



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeo Kawase

Application No.: 09/832,795

Filed: April 12, 2001

For: LIGHT EMITTING DEVICE

Group Art Unit: 2879

Examiner: M. Hodges

Docket No.: 109263

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Smalley
4-14-03

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the March 12, 2003 Restriction Requirement, Applicant provisionally elects Group I, claims 1-15, with traverse. As indicated on page 2 of the Restriction Requirement, claim 15 links inventions I and II.

Further, on page 3 of the Requirement, the Examiner requires Applicant to elect between Species I and II if Group II was elected. Species I refers to Figs. 1 and 2 and claims 17 and 19, and Species II pertains to Fig. 3 and claim 20. As confirmed in discussions with the Examiner, there is no Election of Species Requirement regarding claims 1-15. Also, as indicated on page 3, claim 15 is generic.

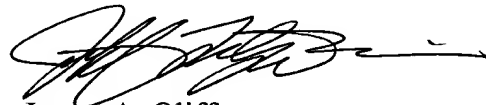
It is also respectfully submitted that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must

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examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:JML/vgp

Date: April 11, 2003

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